United Nations ST/SGB/2008/13

Secretariat

1 August 2008

Secretary-General's bulletin

Organization of the Office of Legal Affairs

The Secretary-General, pursuant to Secretary-General's bulletin ST/SGB/1997/5, entitled "Organization of the Secretariat of the United Nations", as amended by ST/SGB/2002/11, and for the purpose of establishing the organizational structure of the Office of Legal Affairs,[1] promulgates the following:

Section 1
General provision

The present bulletin shall apply in conjunction with Secretary-General's bulletin ST/SGB/1997/5, entitled "Organization of the Secretariat of the United Nations", as amended by ST/SGB/2002/11.

Section 2
Functions and organization

2.1 The Office of Legal Affairs is the central legal service of the Organization and provides legal advice to the Secretary-General, Secretariat departments and offices and United Nations organs in the field of public and private law; represents the Secretary-General in legal conferences and in judicial proceedings; performs substantive and secretariat functions for legal organs involved in public international law, the law of the sea and ocean affairs and international trade law; and performs the functions conferred on the Secretary-General in Article 102 of the Charter of the United Nations.

2.2 The Office is divided into organizational units, as described in the present bulletin.

2.3 The Office is headed by the Under-Secretary-General for Legal Affairs, the Legal Counsel. The Legal Counsel and the officials in charge of each organizational unit, in addition to the specific functions set out in the present bulletin, perform the general functions applicable to their positions, as set out in Secretary-General's bulletin ST/SGB/1997/5, as amended by ST/SGB/2002/11.

[1] The Office of Legal Affairs was established by the General Assembly in its resolution 13 (1) of 13 February 1946 as the central legal service for the Secretary-General and the Secretariat and United Nations organs.

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Section 3
Under-Secretary-General for Legal Affairs, the Legal Counsel

3.1 The Under-Secretary-General for Legal Affairs, the Legal Counsel, is accountable to the Secretary-General.

3.2 The Legal Counsel heads the Office of Legal Affairs, is responsible for the leadership, management and administration of the Office and reports directly to the Secretary-General. He or she is responsible for ensuring efficiency, transparency and accountability in the work of the Office.

3.3 The Legal Counsel is the senior legal adviser to the Secretary-General, the Secretariat and other organs of the United Nations. The legal advice he or she provides relates to matters including public international law and the internal administrative law of the United Nations, as well as private law. The Legal Counsel is a member of senior-level advisory bodies established by the Secretary-General.

3.4 The Legal Counsel leads the coordination of the system-wide United Nations Legal Advisers Network, composed of (a) legal advisers of specialized and related agencies, (b) legal liaison advisers/officers of entities including United Nations offices away from Headquarters, funds and programmes, regional commissions and ad hoc tribunals and (c) field legal officers for United Nations peace operations; monitors the work programme and activities of the High-level Committee on Management of the United Nations System Chief Executives Board for Coordination and the United Nations Development Group; and provides legal advice to those bodies.

3.5 The Legal Counsel has operational responsibilities, in particular, for supporting international criminal tribunals — including leading their establishment and the implementation of completion strategies, as well as cooperating with the International Criminal Court — and for creating and overseeing the work of commissions of inquiry and investigation.

3.6 The Legal Counsel represents the Secretary-General at meetings and conferences of a legal nature, and in judicial and arbitral proceedings, and certifies legal instruments issued on behalf of the United Nations.

Section 4
Assistant Secretary-General for Legal Affairs

The Assistant Secretary-General for Legal Affairs serves as Deputy to the Under-Secretary-General and is accountable to the Legal Counsel.

Section 5
Office of the Under-Secretary-General for Legal Affairs

5.1 The Office of the Under-Secretary-General for Legal Affairs supports the Legal Counsel in the discharge of his responsibilities and assists the Legal Counsel in the overall direction and management of the Office of Legal Affairs. The Office of the Under-Secretary-General also supports the Legal Counsel in the management of the coordination of the United Nations Legal Advisers Network and the provision of legal advice to high-level inter-agency bodies. As regards the overall direction and management of the Office of Legal Affairs, the Office of the Under-Secretary-General for Legal Affairs is headed by a Special Assistant to the Legal Counsel who

is accountable, and reports directly, to the Legal Counsel. The system-wide coordination and inter-agency activities are headed by a Senior Legal Officer who reports directly to the Legal Counsel.

5.2 The core functions of the Office of the Under-Secretary-General for Legal Affairs are as follows:

(a) Monitoring the implementation of the programme of work of the Office of Legal Affairs;

(b) Advising the Legal Counsel on, and promoting, departmental policies and guidelines dealing with specific management issues;

(c) Acting as the focal point for information on all aspects of the work of the Office of Legal Affairs;

(d) Coordinating interdepartmental activities and undertaking the necessary follow-up;

(e) Consulting, negotiating and coordinating with other departments, offices, subsidiary bodies, including funds and programmes, and specialized and related agencies of the United Nations system on matters of mutual concern, without prejudice to the specific responsibilities of the other units of the Office;

(f) Maintaining sustained and systematic contacts with legal advisers/ officers of the Legal Advisers Network;

(g) Managing the preparation of periodic meetings with members of the Legal Advisers Network and ensuring follow-up thereto;

(h) Providing support to the Legal Counsel in relation to the Legal Advisers Network's contribution to high-level inter-agency bodies;

(i) Assisting the Legal Counsel in formulating recommendations to the Secretary-General in interdepartmental and inter-agency bodies.

Section 6
Office of the Legal Counsel

6.1 The Office of the Legal Counsel is headed by the Assistant Secretary-General for Legal Affairs.

6.2 The core functions of the Office of the Legal Counsel are as follows:

(a) Preparing legal opinions, studies and advice on the interpretation of the Charter and on the interpretation and drafting of rules of international public law, including international criminal and humanitarian law, United Nations resolutions and regulations and the Convention on the Privileges and Immunities of the United Nations, as well as preparing agreements and other legal instruments regulating relations of the United Nations with Member States, intergovernmental organizations, non-governmental organizations and other legal entities;

(b) Preparing legal arrangements for and providing advice on legal aspects of peacekeeping and other United Nations operations and activities;

(c) Preparing draft rules of procedure and advising United Nations organs and conferences on the conduct of business;

(d) Providing secretariat services to the Committee on Relations with the Host Country and dealing with questions arising out of the Headquarters Agreement with the United States of America and other host Governments;

(e) Maintaining liaison with the International Court of Justice and discharging the legal responsibilities of the Secretary-General under the Statute of the Court;

(f) Developing the legal framework for the establishment of judicial and non-judicial accountability mechanisms, assisting in their practical implementation and providing continuous legal advice for their duration;

(g) Advising on questions relating to the credentials of permanent representatives to the United Nations and representatives on United Nations organs, and providing secretariat services to the Credentials Committee;

(h) Preparing studies on relevant Articles of the Charter for the *Repertory of Practice of United Nations Organs*.

Section 7
General Legal Division

7.1 The General Legal Division is headed by a Director who is accountable to the Legal Counsel.

7.2 The core functions of the Division are as follows:

(a) Preparing legal opinions, studies and advice on the administrative law of the Organization, on international private law and on United Nations resolutions and regulations dealing with such matters;

(b) Providing legal advice to the United Nations voluntary programmes and funds in connection with operational activities in the economic and social fields, including the interpretation of their mandates, regulations and rules and the preparation and negotiation of standard instruments;

(c) Providing legal advice on procurement, the drafting and negotiation of contracts and other commercial matters, as well as claims and disputes involving operational activities of the Organization, its organs and voluntary programmes and funds;

(d) Providing legal advice on the legislative and operational arrangements governing the staffing, supply and provisioning of peacekeeping, observer and humanitarian missions, as well as claims arising therefrom;

(e) Providing legal advice on partnerships with the private sector, including modalities for such partnerships, and preparation of appropriate legal instruments;

(f) Representing the Secretary-General before the United Nations Administrative Tribunal and other bodies in commercial and other disputes relating to matters upon which the Division provides advice;

(g) Preparing studies on relevant Articles of the Charter for the *Repertory of Practice of United Nations Organs*.

Section 8
Codification Division

8.1 The Codification Division is headed by a Director who is accountable to the Legal Counsel.

8.2 The core functions of the Division are as follows:

(a) Providing substantive secretariat services to the Sixth Committee of the General Assembly, the International Law Commission, the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization and other bodies of the United Nations, as well as diplomatic conferences, in the progressive development of international law and its codification;

(b) Conducting research and preparing analytical legal and policy papers and background studies on various topics of public international law that have been selected or are considered for codification or progressive development;

(c) Assisting in the preparation of drafts of international conventions and other forms of legal instruments on subjects of public international law and commentaries explaining various provisions of the legal instruments;

(d) Implementing the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law;

(e) Preparing the *United Nations Juridical Yearbook*, the *Reports of International Arbitral Awards*, the *United Nations Legislative Series*, the *Summaries of Judgments, Advisory Opinions and Orders of the International Court of Justice* and other publications on questions of international law and maintaining an electronic information system on the work of the legal bodies involved in the progressive development of international law and its codification;

(f) Organizing seminars, fellowships, regional courses and other training programmes on questions of international law;

(g) Maintaining liaison with intergovernmental bodies and institutions involved in the progressive development of international law and its codification;

(h) Preparing studies on relevant articles of, and reviewing and coordinating studies for, the *Repertory of Practice of United Nations Organs*.

Section 9
Division for Ocean Affairs and the Law of the Sea

9.1 The Division for Ocean Affairs and the Law of the Sea is headed by a Director who is accountable to the Legal Counsel.

9.2 The core functions of the Division are as follows:

(a) Providing advice, studies, assistance and research and information on the application of the United Nations Convention on the Law of the Sea (the Convention) and related Agreements, on oceans and the law of the sea issues of a general nature and on specific developments relating to the research and legal regime for the oceans;

(b) Providing substantive servicing to the General Assembly, the Meeting of States Parties to the Convention, meetings of the States Parties to the United Nations Fish Stocks Agreement and the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea regarding oceans and the law of the sea issues, as well as to such subsidiary bodies relating to the oceans as the Assembly may establish, such as the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction;

(c) Monitoring and reviewing developments in ocean affairs and the law of the sea and reporting thereon to the General Assembly through comprehensive annual reports on oceans and the law of the sea and fisheries-related issues, as well as special reports on specific topics of current interest;

(d) Providing substantive servicing, technical assistance and facilities to the Commission on the Limits of the Continental Shelf in its examination of submissions by coastal States relating to the delineation of the outer limits of their continental shelf;

(e) Discharging the responsibilities, other than depositary functions, of the Secretary-General under the Convention, in particular with respect to the deposit by States of charts and lists of geographical coordinates concerning maritime zones, including lines of delimitation, and giving due publicity thereto, as required by the Convention, and developing and maintaining the appropriate Geographic Information System and other facilities for this purpose;

(f) Providing advice and support to the organizations of the United Nations system to ensure consistency with the Convention of the instruments and programmes in their respective areas of competence;

(g) Maintaining close liaison with the institutions established under the Convention and, in the case of the International Tribunal for the Law of the Sea, also providing administrative support;

(h) Providing capacity-building assistance to developing countries in the field of ocean affairs and the law of the sea, through training, fellowships, technical assistance and trust funds for financial support;

(i) Discharging, as appropriate, responsibilities related to inter-agency coordination for issues relating to oceans and seas within the United Nations system;

(j) Conducting research and preparing substantive publications on the provisions of the Convention and on diverse issues relating to ocean affairs and the law of the sea;

(k) Maintaining a comprehensive information system, a website and a research library containing materials on ocean affairs and the law of the sea;

(l) Managing the voluntary trust funds established by the General Assembly whose terms of reference require the Division to undertake such activity;

(m) Preparing studies on relevant Articles of the Charter of the United Nations for the *Repertory of Practice of United Nations Organs*.

Section 10
International Trade Law Division

10.1 The International Trade Law Division is headed by a Director who is accountable to the Legal Counsel.

10.2 The core functions of the Division are as follows:

(a) Providing substantive secretariat services to the United Nations Commission on International Trade Law, its intergovernmental subsidiary bodies and other bodies of the United Nations, as well as diplomatic conferences in matters relating to the progressive harmonization and modernization of international trade law;

(b) Preparing drafts of international conventions and model laws, including commentaries thereon, as well as legislative guides and legal standards for aspects of international trade law that have been selected or are considered for progressive harmonization and modernization;

(c) Conducting research and preparing studies and policy papers on aspects of international trade law to assist the Commission in the implementation of its mandate;

(d) Preparing the *United Nations Commission on International Trade Law Yearbook* and collecting and disseminating information on legal developments in the field of international trade law, including case law, and interpreting texts prepared by the Commission;

(e) Developing and implementing a technical assistance programme to promote the work of the United Nations Commission on International Trade Law and the use and adoption of the legislative and non-legislative texts it has developed to further the progressive harmonization and modernization of private law;

(f) Assisting the Commission, in accordance with its mandate, to coordinate the work of other bodies of the United Nations and international organizations in the field of international trade law;

(g) Maintaining close cooperation with other international organs and organizations, including regional organizations, that are active in the field of international trade law in order to assist the Commission in performing its coordination functions as the core legal body within the United Nations system in the field of international trade law;

(h) Preparing studies on relevant Articles of the Charter for the *Repertory of Practice of United Nations Organs*.

Section 11
Treaty Section

11.1 The Treaty Section is headed by a Chief who is accountable to the Legal Counsel.

11.2 The core functions of the Section are as follows:

(a) Discharging the Secretary-General's functions with regard to multilateral treaties deposited with him, including preparing legal advice and studies and providing assistance regarding treaty law and practice, in particular the depositary

practice, and interacting, as appropriate, with relevant Member States, regional commissions, specialized agencies, other United Nations offices and treaty bodies;

(b) Assisting in the drafting of and commenting on final clauses of treaties concluded under the auspices of the United Nations and other treaties to be deposited with the Secretary-General;

(c) Preparing the originals of treaties deposited with the Secretary-General and the certified true copies thereof;

(d) Analysing, registering, filing, recording and publishing treaties and other international agreements in the *United Nations Treaty Series* pursuant to Article 102 of the Charter and the General Assembly regulations that give effect to Article 102;

(e) Organizing seminars and other training programmes at Headquarters and in the regions on general aspects of treaty law and practice;

(f) Preparing and updating various publications, including *Multilateral Treaties Deposited with the Secretary-General, Statement of Treaties and International Agreements, Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties*, the *Treaty Handbook*, the *Handbook of Final Clauses* and other publications;

(g) Maintaining and updating the United Nations Treaty Collection on the Internet;

(h) Preparing studies on relevant Articles of the Charter for the *Repertory of Practice of United Nations Organs*.

Section 12
Executive Office

12.1 The Executive Office is headed by an Executive Officer who is accountable to the Legal Counsel.

12.2 The core functions of the Office are set out in section 7 of Secretary-General's bulletin ST/SGB/1997/5.

Section 13
Final provisions

13.1 The present bulletin shall enter into force on 1 August 2008.

13.2 Secretary-General's bulletin ST/SGB/2006/12, entitled "Organization of the Office of Legal Affairs", is hereby abolished.

(*Signed*) **Ban** Ki-moon
Secretary-General